

**No. 13-20-00261-CV**

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**In The Court Of Appeals** FILED IN  
**Thirteenth District Of Texas At Corpus Christi** 13th COURT OF APPEALS  
CORPUS CHRISTI/EDINBURG, TEXAS  
9/3/2020 9:00:31 AM  
KATHY S. MILLS  
Clerk

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CERTAIN UNDERWRITERS AT LLOYD’S OF LONDON SUBSCRIBING TO  
POLICY NO. NAJL05000016-H87, as Subrogee of Momentum Hospitality, Inc. &  
75 and Sunny Hospitality d/b/a Fairfield Inn & Suites,  
*Plaintiff-Appellant*

v.

MAYSE & ASSOCIATES, INC.,  
*Defendant-Appellee.*

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**Plaintiff-Appellant’s Motion To Extend Time To File Appellant’s Brief**

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Pursuant to Texas Rule of Appellate Procedure 10.5(b), Plaintiff-Appellant, CERTAIN UNDERWRITERS AT LLOYD’S OF LONDON SUBSCRIBING TO POLICY NO. NAJL05000016-H87 (“Underwriters”), respectfully submits this Motion to Extend Time to File Appellant’s Brief. In support of this request, Underwriters state as follows.

1. Underwriters’ Appellant’s Brief is currently due September 14, 2020.
2. Underwriters seek a 30 day extension of time to file that Brief, meaning their Appellant’s Brief will now be due October 14, 2020.
3. Underwriters seek this extension for the following reasons:

- A. Contemporaneous with this Motion, Underwriters are filing a Motion to Consolidate a second appeal they have filed in this matter (Cause No. 13-20-00377-CV) with this appeal. To give this Court an opportunity to rule on that Motion, and (if granted) for the two appeals to be coordinated for the purposes of a single (far more efficient) briefing schedule, a 30 day extension of time is necessary.
- B. Underwriters' counsel has a national litigation practice, which has been disrupted by the effect COVID-19 has had on various court systems. This is compounded by the fact that each state's courts (and sometimes different courts within the same state) are taking different approaches to the COVID-19 situation from a process and procedure standpoint. As such, Underwriters' counsel needs additional time to prepare an Appellant's Brief that properly discusses the issues pending in this appeal.

4. This is Underwriters' first request for an extension of time to file their Appellant's Brief in this matter. This will also be Underwriters' only request to extend the deadline for filing that Brief.

5. On August 31, 2020, Underwriters' counsel conferred with counsel for the Appellee Mayse & Associates, Inc., seeking concurrence in this Motion. Appellee Mayse will not concur.

WHEREFORE, Plaintiff-Appellant Underwriters respectfully requests that their Motion to Extend Time to File Appellant's Brief be granted, and that Brief now be due on or before October 14, 2020.

Respectfully submitted,

**DENENBERG TUFFLEY**

/s/ Paul B. Hines

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H87, as Subrogee of Momentum Hospitality,  
Inc. & 75 and Sunny Hospitality d/b/a  
Fairfield Inn & Suites*

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Associated Case Party: Certain Underwriters at Lloyd's of London Subscribing to Policy No. NAJL05000016

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Associated Case Party: KK Builders, LLC, D'Amato Conversano, Inc d/b/a DCI Engineers, 1113 Structural Engineers, PLLC and Mayse & Associates, Inc.

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